

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

CYPRESS LAKE SOFTWARE,  
INC.,

Plaintiff,

V.

SAMSUNG ELECTRONICS  
AMERICA, INC.,

Defendant.

CASE NO. 6:18-cv-30-JDK

## LEAD CONSOLIDATED CASE

## ORDER OF DISMISSAL

Before the Court is a Joint Motion to Dismiss by Plaintiff Cypress Lake Software, Inc. (“Cypress” or “Plaintiff”) and Defendant Samsung Electronics America, Inc. (“Samsung”). Docket No. 473. In their motion, Plaintiff and Samsung explain that they have resolved Plaintiff’s claims for relief against Samsung asserted in this case. The parties therefore request that the Court dismiss Plaintiff’s claims for relief against Samsung with prejudice and dismiss Samsung’s claims or defenses against Plaintiff without prejudice, and with all attorneys’ fees, costs, and expenses taxed against the party incurring same.

The Court, having considered this request, **GRANTS** the motion. It is therefore **ORDERED** that Plaintiffs' claims for relief against Samsung are **DISMISSED WITH PREJUDICE** and Samsung's claims or defenses against Plaintiff are **DISMISSED WITHOUT PREJUDICE**. It is further **ORDERED** that


all attorneys' fees, costs of court, and expenses shall be borne by each party incurring the same. The following pending motions are **DENIED AS MOOT**:

- Cypress's Motion for Leave to Serve First Supplemental Disclosure of Asserted Claims and Infringement Contentions Against Samsung [Docket No. 204];
- Samsung's Motion for Summary Judgment [Docket No. 276];
- Samsung's Motion for Summary Judgment of Non-Infringement [Docket No. 278];
- Samsung's Motion for Summary Judgment on No Indirect Infringement [Docket No. 279];
- Samsung's Motion for Summary Judgment on No Willfulness [Docket No. 282];
- Samsung's Motion for Summary Judgment of Invalidity Under 35 U.S.C. § 101 [Docket No. 283];
- Samsung's Motion for Summary Judgment of Invalidity on Written Description [Docket No. 285];
- Samsung's Motion to Strike Certain Portions of the Rebuttal Expert Report of Rahul Vijn Related to Priority Date and Written Description [Docket No. 290];
- Cypress's Motion to Exclude Testimony of Dr. Daniel Wigdor in Support of Samsung [Docket No. 298];
- Cypress's Motion to Exclude Testimony of Dan Schonfeld in Support of Samsung [Docket No. 299];
- Cypress's Motion to Exclude Testimony of Dr. Ketan Mayer-Patel in Support of Samsung [Docket No. 300];
- Cypress's Motion for Partial Summary Judgment as to Samsung [Docket No. 301];
- Cypress's Motion to Exclude Testimony of Christopher Bakewell in Support of Samsung [Docket No. 302]; and

- Samsung's Motion to Strike Expert Materials Not Properly Disclosed Pursuant to FRCP 26(a)(2) and Preclude Plaintiff from Relying on the Same [Docket No. 313].

This Order does not affect any claims or defenses or any pending motions between Plaintiff Cypress and Defendant Dell, Inc.

So **ORDERED** and **SIGNED** this **21st** day of **May, 2020**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE